

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL AND SHELBY)
BELCHER, et al.)
)
v.) NO. 3-13-0161
) JUDGE CAMPBELL
ROBERTSON COUNTY)
BOARD OF EDUCATION)

ORDER

By Order of November 26, 2014, the Court found for Plaintiffs against Defendant Robertson County Board of Education on Plaintiffs' Title IX and Section 1983 claims (Docket No. 77). The Court ordered Plaintiffs to file a brief with documentation as to their damages and Defendant to respond. The parties have filed these briefs as ordered (Docket Nos. 80 and 86). The Court also found Plaintiffs to be prevailing parties and ordered that they file any Motion for Attorneys' Fees. Plaintiffs have done so (Docket No. 79), and Defendant has responded (Docket No. 87).

The Court finds that Plaintiff M.B. is entitled to compensatory damages in a total amount of \$25,534.00, which represents costs of counseling and private school tuition through fifth grade.

The Court finds that Plaintiff B.E. is entitled to compensatory damages in a total amount of \$802.50, which represents costs of counseling.

The Court finds that Plaintiff J.A. is entitled to compensatory damages in a total amount of \$3,520.00, which represents costs of counseling.

Defendant's objections to the amount of damages for J.A. and B.E. are overruled. There is no way to separate out other stressful things which were happening in these children's lives for purposes of counseling, and the amounts requested are not unreasonable under these circumstances.

The Court finds that each of the Plaintiffs is entitled to \$75,000.00 in emotional damages. Having already found that these children were entitled to damages for emotional distress, it is the opinion of the Court that \$75,000 per child is reasonable, given the extent and duration of the emotional distress.

With regard to an award of attorneys' fees, the Court finds that Plaintiffs are entitled to recover \$400 per hour for the work of Gary Blackburn; \$250 per hour for the work of Melissa Blackburn; \$350 per hour for the work of John R. Clemmons; \$100 per hour for the work of paralegals; and \$125 per hour for the work of the law clerk.

Defendant's objection to the rate of Mr. Blackburn is well-taken. The Court finds that Mr. Blackburn's usual rate for work in federal court, \$400 per hour, is adequate under these circumstances. An increase in the lodestar is not warranted in this case. The Court finds that the rates of the paralegals and law clerk are within customary rates, and Defendant's objection thereto is overruled.

Defendant's objection to the number of hours (94) spent preparing the post-trial brief is also overruled. Given the circumstances, which included the heart surgery of Plaintiffs' lead counsel, the Court finds this number of hours to be reasonable.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE